

5. That on June 13, 2013, while the plaintiff was under the care of the defendant, Keith D. Wilkey, M.D., Defendant performed a left-sided partial laminectomy and foraminotomy at L304 ad L4-5, partial bilateral laminectomy at L5-S1, partial foraminotomy left L3-4, L4-5 with sublaminar decompression right L3-4, L4-5 and partial open foraminotomy bilateral at L5-S1 upon plaintiff in which the symptoms increased in severity as follows:

- (a) The plaintiff lost bladder control;
- (b) The plaintiff suffered a substantial increase in pain in her back and lower extremities; and
- (c) The plaintiff lost feeling in her buttocks and vaginal areas;

6. At times pertinent hereto, the defendant, KEITH D. WILKEY, M.D., had a duty to provide the plaintiff, Imogene Yarbrough, with proper and adequate care within the standard of care generally accepted in the field of medicine.

7. While in the care as stated above, the defendant, KEITH D. WILKEY, M.D., was in violation of his duty to the plaintiff and negligently performed one or more of the following acts:

- a. Negligently and carelessly failed to properly treat cauda equina syndrome;
- b. Negligently and carelessly failed to protect the nerve roots and dura during the aforesaid surgery;
- c. Negligently and carelessly severed the dura of the plaintiff, Imogene Yarbrough; and,
- d. Negligently and carelessly failed to perform further treatment and diagnostic studies to prevent further damage to the nerve roots and dura after the defendant had severed the dura during surgery.

8. As a proximate result of one or more of the aforesaid stated negligent act(s) or omission(s) of the Defendant, KEITH D. WILKEY, M.D., Plaintiff, IMOGENE YARBROUGH,

has suffered, is suffering, and will suffer severe and permanent disability, injuries, and medical expenses.

WHEREFORE, plaintiff, IMOGENE YARBROUGH, demands judgment against the defendant, KEITH D. WILKEY, M.D., in an amount One Million Dollars (\$1,000,000.00), plus costs of suit.

COUNT II
MEDICAL MALPRACTICE/NEGLIGENCE

Now comes the Plaintiff, IMOGENE YARBROUGH, by her attorneys, STRELLIS & FIELD, CHARTERED, and for her cause of action against the Defendant, ORTHOPEDIC ASSOCIATES, LLC., states as follows:

1. The plaintiff is a citizen and resident of Monroe County, Illinois in the Southern District of Illinois.

2. Jurisdiction of this Court is invoked pursuant to Title 28 United States Code, Section 1332(a). The matter in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).

3. At times pertinent hereto, the defendant, Orthopedic Associates, LLC, was a corporation engaged in the practice of medicine in the County of St. Louis, in the Eastern District of Missouri.

4. That on or about June 13, 2013 and thereafter, plaintiff had been under the continuous care and supervision of defendant, ORTHOPEDIC ASSOCIATES, LLC, through its duly authorized and apparent agents and/or employees, for treatment of low back pain and spinal stenosis with left leg radiculopathy.

5. That on June 13, 2013, while the plaintiff was under the care of the defendant, ORTHOPEDIC ASSOCIATES, LLC, through its duly authorized and apparent agents and/or employees, Defendant performed a left-sided partial laminectomy and

foraminotomy at L304 ad L4-5, partial bilateral laminectomy at L5-S1, partial foraminotomy left L3-4, L4-5 with sublaminar decompression right L3-4, L4-5 and partial open foraminotomy bilateral at L5-S1 upon plaintiff in which the symptoms increased in severity as follows:

(a) The plaintiff lost bladder control;

(b) The plaintiff suffered a substantial increase in pain in her back and lower extremities; and,

(c) The plaintiff lost feeling in her buttocks and vaginal areas;

6. At times pertinent hereto, the defendant, ORTHOPEDIC ASSOCIATES LLC, through its authorized and apparent agents and/or employees, had a duty to provide the plaintiff, Imogene Yarbrough, with proper and adequate care within the standard of care generally accepted in the field of medicine.

7. While in the care as stated above, the defendant, ORTHOPEDIC ASSOCIATES LLC, through its authorized and apparent agents and/or employees, was in violation of its duty to the plaintiff and negligently performed one or more of the following acts:

a. Negligently and carelessly failed to properly treat cauda equina syndrome;

b. Negligently and carelessly failed to protect the nerve roots and dura during the aforesaid surgery;

c. Negligently and carelessly severed the dura of the plaintiff, Imogene Yarbrough; and,

d. Negligently and carelessly failed to perform further treatment and diagnostic studies to prevent further damage to the nerve roots and dura after the defendant had severed the dura during surgery.

8. As a proximate result of one or more of the aforesaid stated negligent act(s) or omission(s) of the Defendant, ORTHOPEDIC ASSOCIATES LLC, through its authorized and apparent agents and/or employees, Plaintiff, IMOGENE YARBROUGH, has suffered, is suffering, and will suffer severe and permanent disability, injuries, and medical expenses.

WHEREFORE, plaintiff, IMOGENE YARBROUGH, demands judgment against the defendant, ORTHOPEDIC ASSOCIATES LLC, through its authorized and apparent agents and/or employees, in an amount One Million Dollars (\$1,000,000.00), plus costs of suit.

STRELLIS & FIELD, CHARTERED,

BY s/Jack A. Strellis
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ATTORNEYS FOR PLAINTIFF

PLAINTIFF DEMANDS
TRIAL BY JURY